THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6413 of 2005

12.10.2006

Between:

Smt.Meka Venkata Samrajya Lakshmi,
W/o.late Venkata Narasimha Appa Rao Bahadur
And others

… Petitioners

AND

The Mandal Revenue Officer, Gannavaram, Krishna District
And another

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6413 of 2005

ORDER:

Though the interlocutory applications are listed today, the matter was heard finally and is being disposed of by this order.

The husband of the first petitioner was owner of the land admeasuring Acs.4.21 cents in R.S.No.34/9 situated at Kesarapally Village of Gannavaram Mandal in Krishna District. He sold the same to the petitioners 2, 3 and the father of the fourth petitioner, on 05.4.1960. The oral sale by the husband of the first petitioner was also mentioned in the Will executed by him. Therefore, the first petitioner executed registered sale deed dated 19.1.2005 in their favour. Subsequently, the first petitioner made application on 27.10.2004 to the Mandal Revenue Officer, the first respondent herein, for correction of the wrong classification in the revenue records. By proceedings dated 11.1.2005, the first respondent changed the classification from “Gayalu” to “Dry”. However, by impugned order dated 28.1.2005, the second respondent *suo motu* cancelled the same on the ground that objections are received from the public. Assailing the order of the second respondent, the present writ petition is filed.

There cannot be any doubt that under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971, Revenue Divisional Officer (RDO) has no *suo motu* powers of appellate

authority. Secondly, no notice was issued to the petitioners while passing the impugned order. Therefore, the same cannot be sustained. The impugned order is set aside. Liberty is, however, reserved to appropriate revenue authority to take necessary action in accordance with law.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

October 12, 2006.
YS